REMARKS

Claim 15 is canceled without prejudice and, therefore, claims 1 to 14 and 16 to 18 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

The Drawings were objected to as informal. The objection is <u>traversed</u> as improper since "[t]he Office no longer considers drawings as formal or informal. Drawings are either acceptable or not acceptable. Drawings will be accepted by the Office of Initial Patent Examination (OIPE) if the drawings are readable and reproducible for publication purposes." MPEP § 608.02(b). Additionally, the Office did not specifically identify any deficiency of the drawings. Accordingly, withdrawal of the objection is respectfully requested, and it is respectfully requested that the Examiner acknowledge whether the drawings are accepted.

Claims 1, 6, 7, 8, 16, and 18 were objected to for informalities. Accordingly, claims 1, 6, 8, 16, and 18 are rewritten herein to address the informalities. Withdrawal of the rejections is therefore respectfully requested.

Claim 18 was objected to as depending from a rejected claim, but was indicated as containing allowable subject matter. While the rejection of the base claim may not be agreed with, to facilitate matters, claim 18 has been rewritten as an independent claim by including the features of its original base claim. Accordingly, claim 18 is allowable. It is therefore respectfully requested that the objection be withdrawn.

Claims 1, 3 to 5, 7, 8, 10, 11, 13, 14, and 17 were rejected under 35 USC § 102(b) as anticipated by Douskey et al., U.S. Patent No. 6,115,763.

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejection may not be agreed with, to facilitate matters, claims 1 and 8, as presented, are rewritten herein to include the features of claim 15, which has been canceled without prejudice. The Office Action admits that the Douskey reference does not disclose or suggest all of the features of claim 15 (*Office Action* at 12). Accordingly, claims 1 and 8, as presented, are allowable. Claims 2 to 7, 9 to 14, and 16 to 18 depend from claims 1 and 8, and are therefore allowable for at least the same reasons.

Claims 2, 6, 9, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Douskey et al., U.S. Patent No. 6,115,763, in view of Adams et al., U.S. Patent No. 5,313,424.

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claims 1 and 8, as presented, now include the features of claim 15, which has been canceled without prejudice. The Office Action admits that the Douskey reference does not disclose or suggest all of the features of claim 15 (*Office Action* at 12). It is not even suggested that the Adams

reference cures the critical deficiencies of the Douskey reference, nor does it do so. Accordingly, claims 1 and 8, as presented, are allowable. Claims 2, 6, 9, and 12 depend from claims 1 and 8 and are therefore allowable for at least the same reasons.

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Douskey et al., U.S. Patent No. 6,115,763, in view of Begelman, U.S. Patent No. 6,868,309.

Claim 1, as presented, is to a "system having at least one computer device for applications critical with regard to safety," including the features of "at least two processor units," "at least one self-test unit assigned to each of the at least two processor units, configured to cyclically test the at least two processor units," where "the at least two processor units exchange at least one of starting values, intermediate results, intermediate values, and final results via the first connection means," and where "the at least two processor units continuously check the at least one of starting values, intermediate results, intermediate values, and final results for uniformity."

The Douskey and Begelman references do not disclose or even suggest a system having the feature of at least one self-test unit assigned to each of the at least two processor units, configured to **cyclically test the at least two processor units**, as provided for in the context of the claim. The references also do not disclose or even suggest the feature in which the at least two processor units **continuously check** the at least one of starting values, intermediate results, intermediate values, and final results for uniformity. Therefore, the references do not disclose or even suggest a system with at least one self-test unit assigned to each of the at least two processor units, configured to cyclically test the at least two processor units **and** where the at least two processor units continuously check the at least one of starting values, intermediate results, intermediate values, and final results for uniformity.

Accordingly, claim 1, as presented, is allowable. Claims 2 to 7 depend from claim 1 and are therefore allowable for at least the same reasons.

Claim 8, as presented, is to a "method for process-data processing in at least one computer device having at least two processor units for applications critical with regard to safety" including the features of "testing the at least two processor units using at least one self-test unit assigned to each of the at least two processor units, wherein the testing is performed cyclically," "the at least two processor units exchanging at least one of starting values, intermediate results, intermediate values, and final results via the first connection

means, and the at least two processor units continuously checking the at least one of starting values, intermediate results, intermediate values, and final results for uniformity."

As explained above, the Douskey and Begelman references do not disclose or even suggest the feature of at least two processor units **continuously checking** the at least one of starting values, intermediate results, intermediate values, and final results for uniformity. Also, as explained above the references do not disclose or even suggest the feature of "testing the at least two processor units using at least one self-test unit assigned to each of the at least two processor units, wherein **the testing is performed cyclically**.

Accordingly, claim 8, as presented, is allowable. Claims 9 to 14 and 16 to 18 depend from claim 8 and are therefore allowable for at least the same reasons.

In sum, claims 1 to 14 and 16 to 18 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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